

Form NLRB - 801 (2-02)

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
16-CA-110581	8/5/2013

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer The O'Reilly Group (McDonald's)	b. Tel. No. (b) (6), (b) (7)(C)	c. E-mail (b) (6), (b) (7)(C)
d. Address (street, city, state ZIP code) 2100 W. 15th St. Piano, Texas 75075	e. Principal Representative (b) (6), (b) (7)(C)	f. Fax No. (b) (6), (b) (7)(C)
g. e-Mail (b) (6), (b) (7)(C)	h. Dispute Location (City and State) Piano, Texas	i. Number of workers at dispute location 40-50
j. Type of Establishment (factory, nursing home, hotel) Fast Food Restaurant	k. Principal Product or Service Fast Food Service	
<p>1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.</p> <p>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</p> <p>Since on or about (b) (6), (b) (7)(C) 2013, McDonald's, through its officers, agents, and representatives, has interfered with, restrained and coerced, and is interfering with restraining and coercing employees of McDonald's, in the exercise of their rights guaranteed in Section 7 of the said Act, because of (b) (6), (b) (7)(C) protected concerted activity.</p>		
<p>3. (b) (6), (b) (7)(C) charge (if labor organization, give full name, including local name and number)</p>		
4. Name of Union (number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4a. Tel. No. (b) (6), (b) (7)(C)	4b. E-mail (b) (6), (b) (7)(C)
	4c. Fax No. (b) (6), (b) (7)(C)	4d. e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No.
By: (b) (6), (b) (7)(C)		Office, if any, Cell No.
(Signature of representative for person making charge) (b) (6), (b) (7)(C)		Fax No.
Date: 8/4/2013		(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The system uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74962-63 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information by NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to initiate its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

August 6, 2013

(b) (6), (b) (7)(C)

Re: The O'Reilly Group (McDonald's)
Case 16-CA-110581

DEAR (b) (6), (b) (7)(C)

The charge that you filed in this case on August 5, 2013 has been docketed as case number 16-CA-110581. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Examiner MARENE STEBEN whose telephone number is (817)978-2943. If the Board agent is not available, you may contact Supervisory Field Examiner DOLORES BODA whose telephone number is (817)978-2946.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed

August 6, 2013

paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in cursive script that reads "Martha Kinard". The ink is dark and the signature is written in a fluid, connected style.

MARTHA KINARD
REGIONAL DIRECTOR



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor St Rm 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928

August 6, 2013

(b) (6), (b) (7)(C)

THE O'REILLY GROUP (MCDONALD'S)
2100 W 15TH ST
PLANO, TX 75075

Re: The O'Reilly Group (McDonald's)
Case 16-CA-110581

DEAR (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner MARENE STEBEN whose telephone number is (817)978-2943. If MARENE STEBEN is not available, you may contact Supervisory Field Examiner DOLORES BODA whose telephone number is (817)978-2946.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

August 6, 2013

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

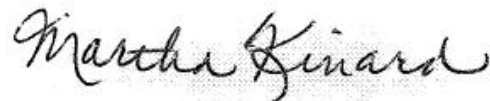
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



MARTHA KINARD
REGIONAL DIRECTOR

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

The O'Reilly Group (McDonald's)

CASE NUMBER

16-CA-110581

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS** (Products handled or manufactured, or nature of services performed).**7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE O'REILLY GROUP (MCDONALD'S)

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 16-CA-110581

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on August 6, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

THE O'REILLY GROUP (MCDONALD'S)
2100 W 15TH ST
PLANO, TX 75075

August 6, 2013

Date

Cynthia Davis, Designated Agent of NLRB

Name

Cynthia Davis

Signature



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178
Telephone: 817-978-2943 Fax: 817-978-2928
Email: marene.steben@nrlb.gov
Agency Web Site: www.nrlb.gov

August 26, 2013

Via email

Jared Vitemb
Littler Mendelson, P.C.
2001 Ross Avenue, Ste. 1500
Lock Box 116
Dallas, TX 75201

Re: O'Reilly Group (McDonald's)
Case No. 16-CA-110581

Dear Mr. Vitemb:

Per our conversation today, I am writing this letter to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before **September 3, 2013**, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows:

Since (b) 2013, McDonald's interfered with restrained and coerced (b) (6), (b) (7)(C) because of (b) (6), (b) (7)(C) protected concerted activity.

Evidence Sought: I am requesting the following information and/or documents:

1. As discussed today, you explained that (b) (6), (b) (7)(C) was not terminated but only needed to (b) (6), (b) (7)(C). Please confirm this in writing and provide any documentation regarding this conversation.
2. Please provide copies of all time records for (b) (6), (b) (7)(C) for the time (b) (6) worked at McDonald's.
3. In our phone conversation, you stated that (b) (6), (b) (7)(C). Please provide details as to this (b) (6), (b) (7)(C) and when it occurred. Please provide any documentation regarding the (b) (6), (b) (7)(C).
4. Please provide the Employer's position as to (b) (6), (b) (7)(C).
5. The evidence shows in a phone conversation with, (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) complained that the Employer asked (b) (6) and another employee to work off the clock. Please provide the Employer's position regarding this conversation.
6. Please provide the Commerce Questionnaire.

Case 16-CA-110581
O'Reilly Group

7. Any other evidence you wish to present including statement of position setting forth your legal and factual version of events.
8. Explain the method(s) the Employer uses in communicating news to its employees (i.e. posting notices on bulletin boards; e-posting on an intranet site; and/or e-mailing employees).

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individuals you believe have information relevant to the investigation of the above-captioned matter. If you do not allow the Board agent to take sworn affidavits from representatives who may have relevant information, the Agency will consider that to constitute less than complete cooperation in the investigation of the charge.

Date for Submitting Evidence: In order to resolve this matter as expeditiously as possible, you are requested to present your evidence in this matter by September 3, 2013. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to www.nlr.gov, select **File Case Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by that time or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (817)978-2943 or e-mail Marene.Steben@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Marene Steben".

Marene Steben
Field Examiner

From: [Watson, Timothy](#)
To: [Kinard, Martha E.](#); [Gonzalez, Ofelia](#); [Steckler, Sharon L.](#); [Steben, Marene](#)
Subject: FW: O'Reilly Group (McDonald's); 16-CA-110581
Date: Friday, October 25, 2013 4:25:00 PM

Fyi ready to dispose of this one. We'll need dismissal language, absent w/d before eom.

Tim

From: Dunham, Geoffrey
Sent: Friday, October 25, 2013 3:18 PM
To: Watson, Timothy; Leach, David E.
Subject: RE: O'Reilly Group (McDonald's); 16-CA-110581

Tim, You have authorization to implement the dismissal of the charge. Thanks for the reminder email. Geoff

From: Watson, Timothy
Sent: Friday, October 25, 2013 12:46 PM
To: Leach, David E.; Dunham, Geoffrey
Subject: RE: O'Reilly Group (McDonald's); 16-CA-110581

Gentlemen:

Just checking to see if you need any additional information from us on this.

Thanks.

Tim Watson

From: Watson, Timothy
Sent: Friday, September 20, 2013 11:25 AM
To: Leach, David E.; Dunham, Geoffrey
Cc: Kinard, Martha E.; Gonzalez, Ofelia; Tursell, Beth
Subject: FW: O'Reilly Group (McDonald's); 16-CA-110581

Gentlemen:

We are prepared to (b) (5) before contacting the parties.

Let me know if you have questions.

Thanks.

Tim Watson

From: Watson, Timothy
Sent: Friday, September 20, 2013 10:47 AM
To: Huckabay, Eileen
Cc: Kinard, Martha E.; Gonzalez, Ofelia; Elifson, Kelly E.; Steben, Marene; Steckler, Sharon L.
Subject: FW: O'Reilly Group; 16-CA-110581

The (b) (5), (b) (6), (b) (7)(C)

I will notify Region 2 about this decision. Please do not contact the parties regarding this decision until we hear from Region 2. Thanks.

From: Elifson, Kelly E.
Sent: Wednesday, September 18, 2013 1:35 PM
To: Watson, Timothy
Subject: FW: O'Reilly Group; 16-CA-110581

I'm forwarding this agenda minute for Marene's Cat 2 case. I agree with the recommendation (b) (5), (b) (6), (b) (7)(C). I have the case file.

Thanks,
Kelly

From: Steben, Marene
Sent: Wednesday, September 18, 2013 1:24 PM
To: Elifson, Kelly E.
Subject: O'Reilly Group; 16-CA-110581

C. Marene Steben
National Labor Relations Board
Region 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102
(817) 978-2943 (direct dial)
(817) 978 2928 (fax)

From: [Steckler, Sharon L.](#)
To: [Phillips, Letrivette](#)
Cc: [Huckabay, Eileen](#); [Steben, Marene](#); [Watson, Timothy](#); [Gonzalez, Ofelia](#)
Subject: FW: O'Reilly Group; 16-CA-110581
Date: Tuesday, October 29, 2013 10:03:00 AM
Attachments: [FIR.16-CA-110581.dismissal language.docx](#)

Short form dismissal approved.

From: Steben, Marene
Sent: Monday, October 28, 2013 3:57 PM
To: Steckler, Sharon L.
Subject: O'Reilly Group; 16-CA-110581

Short form.

C. Marene Steben
National Labor Relations Board
Region 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102
(817) 978-2943 (direct dial)
(817) 978 2928 (fax)

Case Name: The O'Reilly Group (McDonald's)
Case No. 16-CA-110581
Agent: Field Examiner MARENE STEBEN

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
8/7	(b) (6), (b) (7)(C)		v/m please call me re: charge
8/12	(b) (6), (b) (7)(C)		v/m must call. Will send letter deadlining.
8/12	(b) (6), (b) (7)(C)		Said (b) (5), (b) (6), (b) (7)(C)
8/14	(b) (6), (b) (7)(C)		Will come in (b) (6), (b) (7)(C) Will call if need directions.
8/23	Vitemb		Talked to him about evidence I would need in case. Told him would send letter confirming evidence.
8/26	Vitemb		(b) (5), (b) (6), (b) (7)(C)
8/27	Vitemb		Needs extension to Sept. 10, one week. Told him ok.
9/10/13	(b) (6), (b) (7)(C)		Told (b) (5), (b) (6), (b) (7)(C)

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

October 29, 2013

(b) (6), (b) (7)(C)

Re: The O'Reilly Group (McDonald's)
Case No. 16-CA-110581

DEAR (b) (6), (b) (7)(C)

We have carefully investigated and considered your charge that **THE O'REILLY GROUP (MCDONALD'S)** has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision to dismiss your charge was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **November 12, 2013**. If you file the appeal electronically, we will consider it timely filed if you send the appeal together with any other documents you want us to consider through the Agency's website so the transmission is completed by **no later than 11:59 p.m. Eastern Time** on the due date. If you mail the appeal or send it by a delivery service, it must be received by the **Office of Appeals in Washington, D.C.** by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than November 11, 2013.

Extension of Time to File Appeal: Upon good cause shown, the General Counsel may grant you an extension of time to file the appeal. A request for an extension of time may be filed electronically, by fax, by mail, or by delivery service. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number and follow the detailed instructions. The fax number is (202)273-4283. A request for an extension of time to

file an appeal **must be received on or before November 12, 2013**. A request for an extension of time that is mailed or given to the delivery service and is postmarked or delivered to the service before the appeal due date but received after the appeal due date will be rejected as untimely. Unless filed electronically, a copy of any request for extension of time should be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

MARTHA KINARD
REGIONAL DIRECTOR

Enclosure

cc GENERAL COUNSEL
OFFICE OF APPEALS
FRANKLIN COURT BUILDING
NATIONAL LABOR RELATIONS BOARD
1099 14TH STREET, NW
WASHINGTON, DC 20570

(b) (6), (b) (7)(C)
THE O'REILLY GROUP (MCDONALD'S)
2100 WEST 15TH STREET
PLANO, TX 75075

MR. JARED G. VITEMB
LITTLER MENDELSON, P.C.
2001 ROSS AVENUE
SUITE 1500, LOCK BOX 116
DALLAS, TX 75201

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1099 - 14th Street, N.W., Room 8820
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

The O'Reilly Group (McDonald's)

Case Name(s).

Case No. 16-CA-110581

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)